

Chief Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR04-275L
)	
Plaintiff,)	ORDER GRANTING STIPULATED
)	MOTION TO CONTINUE TRIAL
v.)	DATE
)	
ELROY JOHN LAMONT,)	
)	
Defendant.)	
_____)	

THIS MATTER comes before the Court on the stipulated motion of the parties to continue the trial date. The Court, having considered the stipulation, and being otherwise fully advised, hereby makes the following findings:

1. The Court finds that a failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(iv). Specifically, the defense has retained two expert witnesses to provide evidence regarding Defendant's mental health status, and the impact that status may have on his conduct as alleged herein. The government requires additional time to evaluate this proffered evidence, and to have its own expert evaluate the evidence in determining how to proceed.

2. The Court further finds that the ends of justice would be served by ordering a continuance in this case, in that a continuance is necessary to insure effective trial preparation, and that these factors outweigh the best interests of the public in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

3. In addition, the delay attributable to the defense exam of the defendant, which extended from the time of the arraignment until February 18, 2005; and attributable to the prosecution exam of the defendant, from July 8, 2005 until some date in the future, is excluded for purposes of computing the time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(1)(A).

IT IS THEREBY ORDERED that the trial date is hereby extended from July 25, 2005, until October 24, 2005.

IT IS FURTHER ORDERED THAT the time period between July 25, 2005, and October 24, 2005 is excludable time pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(8)(A), for purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

DONE this 25th day of July, 2005.



Robert S. Lasnik
United States District Judge

Presented by:

JOHN McKAY
United States Attorney

By: /s/ Vincent T. Lombardi
Assistant United States Attorney

Agreed to by Stipulation, Approved as to form,
Notice of Presentation Waived

/s/ Nancy Tenney, by telephone authority, 7/18/05
Assistant Federal Public Defender
Co-counsel for Defendant Elroy John Lamont

/s/ Timothy Lohraff, by telephone authority given by co-counsel on 7/18/05
Assistant Federal Public Defender
Lead Counsel for Defendant Elroy John Lamont